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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 915-003.005	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>May 5, 2006</u> Signature <u></u> Typed or printed name <u>Lissette Ramos</u>		Application Number <u>10/088,452</u>	Filed <u>06/05/2002</u>
		First Named Inventor <u>Kalle AHMAVAARA</u>	
		Art Unit <u>2688</u>	Examiner <u>Congvan TRAN</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input type="checkbox"/> attorney or agent of record. Registration number _____ <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>58,051</u>		<u></u> Signature <u>Keith R. Obert</u> Typed or printed name <u>(203) 261-1234</u> Telephone number <u>May 5, 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>3</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
Attorney Docket No. 915-003.005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Kalle AHMAVAARA : Confirmation No.: **2848**
Application Serial No.: **10/088,452** : Group/Art Unit: **2688**
Filing Date: **June 5, 2002** : Examiner: **Congvan TRAN**

Title: ***Relocation in a Communication System***

Commissioner of Patents
Mail Stop AF
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This Request for Review is filed in response to the final Official Action of December 5, 2005.

I hereby certify that this communication is being deposited with the United States Postal Service today, **May 5, 2006**, in an envelope with sufficient postage as first-class mail addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Lissette Ramos

REMARKS

Claims 1-28 are pending in the application, and claims 1-3, 5, 7, 9, 15-21, 23-25 and 27-28 are rejected. Claims 4, 6, 8, 10, 11-14, 22 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant respectfully requests review of the final rejections to the claims in light of the following discussion. The Office has committed clear error by failing to show each and every element as set forth in the claims is disclosed or suggested by the cited reference. See MPEP § 2131. This Request for Review is submitted along with a Notice of Appeal.

At section 8 of the Office Action claims 1-3, 5, 7, 9, 15-21, 23-25 and 27-28 are rejected under 35 U.S.C. § 102(e) as anticipated by Rinne et al. (U.S. Patent No. 6,574,473). The independent claims are claims 1, 17, 23 and 27.

Applicant respectfully submits that Rinne fails to disclose or suggest independent claim 1, because Rinne does not disclose or suggest "defining a protocol initialization unit containing predefined information of a first termination point of the radio interface protocol by the radio interface protocol," as recited by claim 1.

Rinne discloses the control of a handover between base stations, which are controlled by different radio network controllers. In Rinne, an anchor radio network controller is used to route data to another radio network controller that controls a base station chosen to be the active base station for communication with a mobile station. See column 4, lines 40-48. When the mobile station communicates with another base station controlled by a different radio network controller than the one controlling the base station which previously communicated by the mobile station, data is routed to the different radio network controller by chaining, or by of an optimized connection where the connection between the anchor radio network controller and the 'old' radio network controller switches to a connection between the anchor radio network controller and a 'new' radio network controller. See column 5, lines 1-7.

Rinne discusses transferring the anchor function from one radio network controller to another radio network controller, but makes no mention of defining a protocol initialization unit containing predefined information of a first termination point of

a radio interface protocol. See column 9, lines 9-11. Instead, the anchor function is transferred using an actively participating protocol. See column 9, lines 12-14. This means that the parameters of the anchor function will also have to be defined in the actively participating protocol, and thereby increasing the complexity of the actively participating protocol.

The present invention, as recited by claim 1, uses a protocol initialization unit containing the predefined information for initialization of a termination point. Since the information for the termination point of the radio interface protocol is contained in the protocol initialization unit, it is possible to avoid defining a great number of parameters of a first protocol in a second protocol that is used to transfer the first protocol. Instead, the radio interface protocol defines a protocol initialization unit, which contains information for a termination point of the radio interface protocol. Therefore, the invention recited by claim 1 provides a simple manner of relocation of protocol termination points without the need to change the protocol used to transfer the termination point information. Rinne makes no mention of defining a protocol initialization unit containing predefined information of a termination point, and at most discusses transferring the anchor function using an actively participating protocol, in which the parameters of the anchor function must still be defined. As such, Rinne fails to disclose or suggest defining a protocol initialization unit by a radio interface protocol.

Furthermore, since Rinne does not disclose or suggest "defining a protocol initialization unit," Rinne also fails to disclose or suggest transferring the protocol initialization unit from the first termination point to a second termination point of the radio interface protocol by means of a second protocol, as recited in claim 1. Therefore, the Office has failed to show that each and every element as set forth in claim 1 is disclosed or suggested by Rinne. See MPEP § 2131.

Independent claims 17, 23 and 27 all contain limitations similar to those recited in independent claim 1, and are rejected for the same reasons. Therefore, for at least the reasons discussed above in relation to claim 1, independent claims 17, 23 and 27 are neither taught or suggested by Rinne.

Dependent claims 2-3, 5, 7, 9, 15-21, 24-25 and 28 all depend directly or indirectly from an independent claim, and are patentable at least in view of their dependencies.

Dependent claims 4, 6, 8, 10-14, 22 and 26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the above arguments and the dependencies of the allowable claims, applicant respectfully submits that these claims are patentable.


Conclusion

It is therefore respectfully submitted that the present application is in condition for allowance and such action is earnestly solicited. The undersigned authorizes the Commissioner to charge any fee deficiency to Deposit Account No. 23-0442.

Respectfully submitted,

Dated: May 5, 2006

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